

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Docket No.: PA1.677

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In re Patent of  
MARK JAMES BECKMAN

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on 11 October 2005

For: PETITION TO REVIVE OF AN APPLICATION FOR PATENT

ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Titled Snack Package Adapted for a Bottle, Serial No. 09301868, filed 4-  
29-1999.

10/14/2005 TBESHAH1 00000018 080207 09301868

01 FC:2453 750.00 DA

JOHN E. HALAMKA

Dated: 11 October 2005

PALOS VERDES ESTATES, CA  
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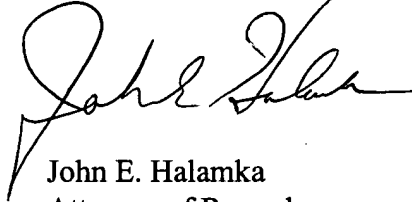
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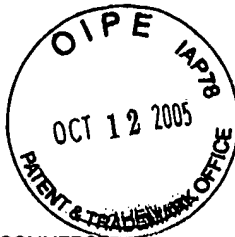
The commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-0207. A duplicate copy of this sheet is enclosed.

- [ XX ] The fee for filing this Petition for Revival in the sum of \$750.00.
- [ XX ] Any additional fees under 37 CFR.
- [ XX ] Any processing fees under 37 CFR.

Respectfully submitted,



John E. Halamka  
Attorney of Record  
P.O. BOX 207  
PALOS VERDES ESTATES,  
CALIFORNIA 90274  
310-316-6100  
halamka@usc.edu



PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional) PA1640

First named inventor: MARK JAMES BECKMAN

Application No.: Art Unit: 1761

Serial No: 09/301,868

Filed: 04-29-1999

Examiner: MAI, HAO T

Title: SNACK PACKAGE ADAPTED FOR A BOTTLE

Attention: Office of Petitions

Assistant Commissioner for Patents

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day  
after the expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
Other than small entity - fee \$ 750.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply):  
has been filed previously on 12-20-2004 and 6-29-2005.  
is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.  
has been paid previously on \_\_\_\_\_.  
is enclosed herewith.

**3. Terminal disclaimer with disclaimer fee**

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is  
required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for  
other than a small entity) disclaiming the required period of time is enclosed herewith (see  
PTO/SB/63).

**4. STATEMENT:** The entire delay in filing the required reply from the due date for the required  
reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The  
United States Patent and Trademark Office may require additional information if there is a  
question as to whether either the abandonment or the delay in filing a petition under 37 CFR  
1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

As set forth in the petition to revive and supplemental petition the office action was mailed to  
GENE SCOTT, the original attorney of record, after John E. Halamka had submitted a request to  
be made NEW attorney of record.

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as EXPRESS mail ED 8104662636US in an envelope addressed to: Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

AND

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at

~~(703) 308-6916.~~

571-273-8300

Signature Date 10-11-2005

Typed or printed name Mark James Beckman

Address 4616 25<sup>th</sup> Ave. NE #264

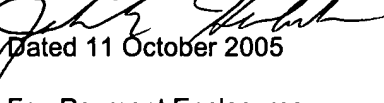
Date 11 October 2005

Signature /s/

Type or printed name of person signing certificate

Mark James Beckman (submitting the Power of Attorney AGAIN – submitted before- 1) to reply to an office action, 2) to obtain a copy of the file wrapper, 3) to file a petition to revive, 4) to file a supplemental petition to revive and SUBMITTED AGAIN because the official records of the USPTO list SCOTT, GENE as attorney of record, a copy of the information is attached hereto.

Signed by John E. Halamka



Dated 11 October 2005

Fee Payment Enclosures:

Reply

Additional sheets containing statements establishing unintentional delay

Terminal Disclaimer Form FILED WITH PETITION TO REVIVE and SUPPLEMENTAL PETITION

Authorization to charge petition fee and any other fees is attached.

Telephone

Number:(310-316-6100)

Other: Copy of printout of attorney of record in database of USPTO as of 10-11-05

Copy of last page of power of attorney and Small Entity statement previously filed

Copy of Terminal Disclaimer Form previously filed

Authorization to charge deposit account, in duplicate.



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09/301,868

SNACK PACKAGE ADAPTED FOR A BOTTLE

[Application Data](#) [Transaction History](#) [Continuity Data](#) [Address & Attorney/Agent](#)

Correspondence Address	
Name:	JOHN E. HALAMKA, ESQ
Address:	P.O. BOX 207 PALOS VERDES ESTATES CA 90274
Attorney/Agent Information	
Reg #	Name
37930	SCOTT, GENE

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free about Patent Application Information Retrieval (PAIR)).
- Send general questions about USPTO programs to the [USPTO Contact](#)
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Docket No. PA1640.CIP

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I here by declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 10-01 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

INVENTOR\_\_ MARK JAMES BECKMAN

\_\_\_\_\_  
Signature of Inventor

Date 10 Dec. 04

Country Application Number: Date of Filing: Priority Claimed  
(mo., Day, Year): Under 37 USC 119

:            
: :     : yes :     : no

I do claim priority for a patent filing for this device filed on 04/29/99 as serial number 09/301,868 upon which this continuation in part is based and this abandoned in favor of this continuation in part application.

#### POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney/s to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

JOHN E. HALAMKA, ESQ.

Reg. No. 30,177

Send Correspondence to:

John E. Halamka, Esq.

P.O. Box 207

Palos Verdes Estates, CA 90274 [halamka@usc.edu](mailto:halamka@usc.edu)

Direct telephone calls to:

John E. Halamka, Esq.

(310) 316-6100

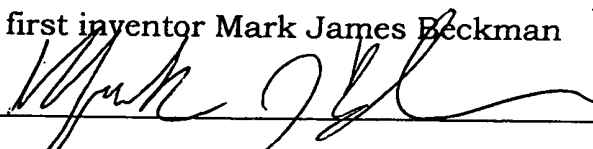
#### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURES

Full name of sole or first inventor Mark James Beckman

Inventor's signature



Date 10 December, 2004 Country of Citizenship USA

**TERMINAL DISCLAIMER TO ACCOMPANY PETITION**

Docket Number (Optional)

In re Application of:

Name: BECKMAN, MARK JAMES

Application Number:

Filed: 09/301,868

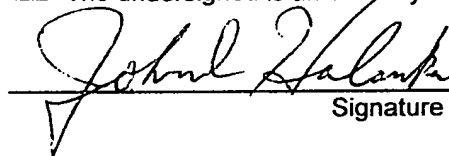
For: 02/29/1999

SNACK PACKAGE ADAPTER FOR A BOTTLE

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The owner\*, MARK BECKMAN of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.2. ☒ The undersigned is an attorney or agent of record. Registration Number 30177  
Signature21 June 2005  
DateJOHN E. HALAMKA  
Typed or Printed Name310-316-6100  
Telephone Number☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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